



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 1938-00

12 May 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CWO-5 [REDACTED], USMC
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 3 Mar 00 w/attachment
(2) HQMC MMOA-4 memo dtd 27 Apr 00
(3) HQMC MMPR memo dtd 4 May 00
(4) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show the lineal position, date of rank, and effective date in the grade of chief warrant officer-5 (CWO-5) he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 1998 CWO-5 Selection Board, vice the FY 2000 CWO-5 Selection Board. He specifically requested a date of rank and effective date of 2 January 1998.

2. The Board, consisting of Messrs. Leeman and McCulloch and Ms. Nofziger, reviewed Petitioner's allegations of error and injustice on 11 May 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner had a prior case (2218-98) before this Board. A copy of his decisional document is at Tab A to enclosure (1). After he had failed before the FY 1998 and 1999 CWO-5 Selection Boards, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board directed that a fitness report be removed from his record. His failures of selection were later stricken by this Board. He appeared before the FY 2000 CWO-5 Selection Board with a corrected record and was selected for promotion. He was promoted to CWO-5 with a date of rank and effective date of 4 February 2000.

c. In correspondence attached as enclosure (2), the HQMC Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Officer Assignment Branch, Personnel Management Division has commented to the effect that Petitioner's request to backdate his promotion has merit and warrants favorable action.

d. In correspondence attached as enclosure (3), the HQMC Promotion Branch has commented to the effect that had Petitioner been promoted pursuant to selection by the FY 1998 CWO-5 Selection Board, he would have been assigned a date of rank and effective date of 2 January 1998.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of CWO-5 as 2 January 1998; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

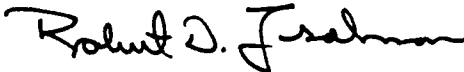
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

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5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


For W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

1938-00

IN REPLY REFER TO:

1600
MMOA-4
27 Apr 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR CHIEF WARRANT OFFICER-5 [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
CWO-5 [REDACTED] USMC
of 14 Apr 00
(b) MMOA-4 Memorandum for the Executive Director, BCNR of
18 Dec 98

1. Recommend approval [REDACTED] request for backdating his
date of rank.

2. Per the reference, we reviewed [REDACTED] record and
petition. [REDACTED] failed selection on the FY98⁸ and FY98⁹ USMC [REDACTED] Bd
CWO-5 Selection Boards. He successfully petitioned the
Performance Evaluation Review Board to remove the Transfer fitness
report of 900212 to 910429. The Board for Correction of Naval
Records approved removal of his failures of selection and he was
subsequently selected for promotion from In Zone on the FY99⁰⁰ Bd [REDACTED] Bd
Board.

3. Normally, a single factor does not cause a failure of
selection. However, as is evident by his promotion to CWO-5, our
opinion in reference (b), remains germane. Therefore, we
recommend approval of [REDACTED] request for backdating his date
of rank.

[REDACTED]

Lieutenant Colonel, U. S. Marine Corps
Head, Officer Career Counseling and
Evaluation Section
Officer Assignments Branch
Personnel Management Division



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

1938-00

IN REPLY REFER TO:
1412/1
MMPR
4 May 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF CHIEF WARRANT OFFICER 5
[REDACTED] SMC

1. If Chief Warrant Officer [REDACTED] request for backdating is approved, his date of rank and effective date will be 2 January 1998. This is the date of rank he would have received upon selection from the FY98 USMC Chief Warrant Officer, CW05 Promotion Selection Board (MOS 5702).

2. Point of contact is [REDACTED] at [REDACTED]

[REDACTED]
By direction [REDACTED]